

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**HAROLD HARRIS; PASTOR ROBERT
TIPTON, JR.; DELTA SIGMA THETA
SORORITY, INC.; DESOTO COUNTY
MS NAACP UNIT 5574**

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:24-cv-00289-DMB-RP

**DESOTO COUNTY, MISSISSIPPI;
DESOTO COUNTY BOARD OF
SUPERVISORS; DESOTO COUNTY
ELECTION COMMISSION; and DALE
THOMPSON in her official capacity as
DeSoto County Circuit Clerk**

DEFENDANTS

**MOTION FOR EXTENSION
OF TIME TO RESPOND TO COMPLAINT**

Defendants, DeSoto County, Mississippi (“the County”), DeSoto County Board of Supervisors (“the Board of Supervisors”), DeSoto County Election Commission (“the Election Commission”), and Dale Thompson (“Thompson”), in her official capacity as DeSoto County Circuit Clerk, request an extension of time until December 9, 2024, to answer or otherwise respond to Plaintiffs’ Complaint, stating the following in support:

1. Plaintiffs filed this lawsuit on September 12, 2024. *See* Doc. No. 1.
2. The Election Commission was served on September 16, 2024, *see* Doc. No. 17, making its responsive pleading due on October 7, 2024. Fed. R. Civ. P. 12(a)(1)(A)(i). The County and Dale Thompson were served on September 17, 2024, *see* Doc. Nos. 14 and 16, making their responsive pleadings currently due on October 8, 2024. *See* Fed. R. Civ. P.

12(a)(1)(A)(i). The Board of Supervisors was served on September 17, 2024,¹ *see* Doc. No. 18, making its responsive pleading also due on October 8, 2024. Fed. R. Civ. P. 12(a)(1)(A)(i). Accordingly, the date on which the last-served Defendants' responses are due is October 8, 2024.

3. Due to the complex nature of this matter, the breadth of allegations included in the Complaint, the fact that undersigned counsel were only retained earlier this week and are subject to additional obligations and time constraints that were scheduled before counsel were aware of this lawsuit, undersigned counsel need additional time to fully investigate the allegations contained in the complaint and prepare a sufficient response for Defendants.

4. Defendants therefore respectfully request that the response deadlines for all named Defendants be aligned to the response deadline for the last-served defendant, October 8, 2024, and further request a sixty (60) day extension of the October 8, 2024, deadline for all Defendants to respond to the Complaint, up to and through Monday, December 9, 2024.

5. Undersigned counsel contacted Plaintiffs' counsel to ascertain whether Plaintiffs intended to oppose the requested alignment of deadlines and extension of time. Plaintiffs have agreed to the alignment of deadlines but have only agreed to Defendants having an additional thirty (30) days to respond to the Complaint and not the full sixty days requested.

6. Given the nature of this request, the County respectfully asks that the Court waive Local Rule 7(b)(4)'s requirement of a separate memorandum in support.

For these reasons, the County requests until December 9, 2024, to respond to the Complaint.

Dated: October 3, 2024.

¹ The docket also includes a return indicating that a summons directed to the Board of Supervisors through Supervisor Lee Caldwell, Board President, was served on September 18, 2024, *see* Doc. No. 15.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Nicholas F. Morisani

David Michael Hurst, Jr., MB #99990

W. Thomas Siler, MS #6791

Nicholas F. Morsani, MB #104970

1905 Community Bank Way

Suite 200

Flowood, Mississippi 39232

Telephone: 601-352-2300

Telecopier: 601-360-9777

mike.hurst@phelps.com

tommy.siler@phelps.com

nicholas.morasani@phelps.com

And

Andrew W. Coffman, MB#106207

105 East Main Street, Suite 201

Tupelo, Mississippi 38804

Telephone: 662-842-7907

Telecopier: 662-842-3873

andrew.coffman@phelps.com

Attorneys for Defendants